

Budget Brief – Guardian ad Litem

BEA

EOCJ-CRT-06

SUMMARY

The Office of the Guardian ad Litem (GAL) provides state-funded attorneys to represent the best interests of minors in Juvenile Court when there are allegations of abuse, neglect, or dependency. The GAL also represents minors when allegations of abuse arise in the District Court during divorce proceedings or in a criminal case when the victim is a child.

ISSUES AND RECOMMENDATIONS

The Office of the Legislative Auditor General completed a performance audit of GAL in 2005. Even today, the Legislative audit comes up during discussions regarding GAL caseloads and their management of cases. The audit indicated that some of the statutory duties were not completed and that internal policies and guidelines needed strengthening. The audit recommended that “the Legislature consider whether to provide additional funding to the Office of the Guardian ad Litem for reducing caseloads.” The audit indicates that given certain criteria the GAL should have more attorneys to reduce the number of cases per attorney. The GAL Director and Auditors believe that an appropriate caseload would be 100 cases per GAL. Based on that standard, auditors did the math and indicated that 22 new attorneys would be needed to reach that caseload. The auditor did not recommend 22 attorneys; they only indicated that a need existed. GALs throughout the country are experiencing very high caseloads.

In response to the Auditor General’s report, the Judicial Council created the Guardian ad Litem Oversight Committee to assist with policy and direction for the office. The GAL with guidance from their oversight board has requested a building block of \$1,567,600 ongoing GF and \$133,100 in one-time GF to fund an additional 11 attorneys and 11.5 support staff in FY 2008. Approving the GAL building block request would increase their ongoing base budget by 36 percent.

Since the Auditor expressed concerns and questioned the accuracy of GAL caseload data, the Analyst recommendation for the GAL differs significantly. The Analyst recommends an additional 6 attorneys and 5 support staff at a cost of \$814,900 ongoing GF and a one-time appropriation of \$75,100. The need for additional staffing exists, but the Legislature should proceed slowly with staff increases so that performance and accountability reports of the Guardian ad Litem can be reviewed.

Figure 1: Courts - Guardian ad Litem - Budget History

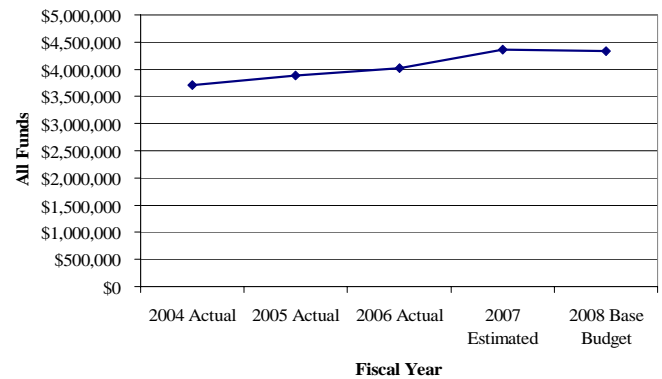


Figure 2: Courts - Guardian ad Litem - FTE History

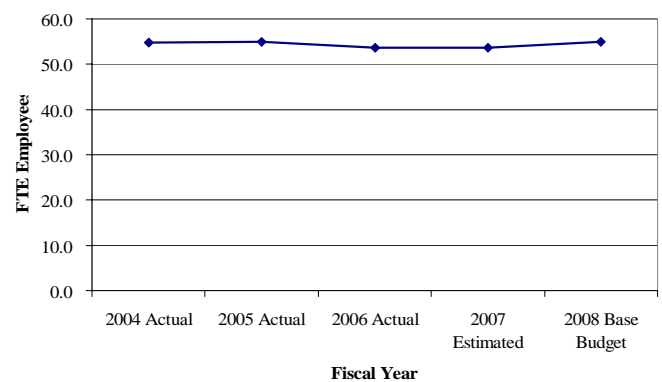
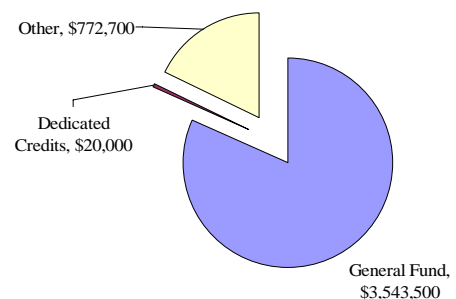


Figure 3: Courts - Guardian ad Litem - FY 2008 Funding Mix



ACCOUNTABILITY

Federal and state statutes require certain time frames be met when dealing with juveniles, especially in cases of neglect, abuse or where foster care is involved. The tables on page two detail the number of cases and caseload per Guardian ad Litem.

Management of the caseload and representation of all court assignments are key elements for the office. Utah GALs have approximately 179 cases with an average of 2 children per case (See the table on page 2 for GAL caseload and FTE information over time). The Fiscal Analyst recommendation would reduce caseloads by 30 per attorney or 149 cases per GAL. The GAL staffing recommendation would reduce caseloads by 49 cases per attorney or 130 cases per GAL.

Guardian ad Litem Summary							
Year	Total FTEs	Number of GALs	Number of Open Cases			# Cases per GAL	GAL Turnover
			District	Juvenile	Total		
FY 2001	46	27	926	2667	3593	133	5
FY 2002	58	29	1231	2758	3989	138	4
FY 2003	54	29	1571	3195	4766	164	6
FY 2004	55	32	1426	2998	4424	138	5
FY 2005	56	33	1902	3318	5220	161	3
FY 2006	54	30	1887	3397	5284	179	4

BUDGET DETAIL***Budget Recommendation***

The Analyst recommends the Legislature consider a FY 2008 Guardian ad Litem base budget of \$4,336,200.

Intent Language

The Analyst recommends the continuation of the following Legislative intent language: *It is the intent of the Legislature that the funds for the Guardian ad Litem line item shall not lapse.*

LEGISLATIVE ACTION

1. The Analyst recommends a base budget for Guardian ad Litem of \$4,336,200.
2. Consider non-lapsing intent language for the line-item as discussed on page 2.
3. The Analyst recommends consideration of a FY 2008 building block of \$814,900 for 11 FTEs—6 attorneys and 5 support staff. The Analyst also recommends that the subcommittee discuss a one-time General Fund request of \$75,100 for new computers and office equipment for the additional staffers.

BUDGET DETAIL TABLE

Courts - Guardian ad Litem						
Sources of Finance	FY 2006 Actual	FY 2007 Appropriated	Changes	FY 2007 Revised	Changes	FY 2008* Base Budget
General Fund	3,285,300	3,543,500	0	3,543,500	0	3,543,500
General Fund, One-time	0	(11,000)	0	(11,000)	11,000	0
Dedicated Credits Revenue	10,600	20,000	0	20,000	0	20,000
GFR - Children's Legal Defense	427,700	424,000	0	424,000	0	424,000
GFR - Guardian Ad Litem Services	320,900	348,700	0	348,700	0	348,700
Beginning Nonlapsing	23,000	0	42,800	42,800	(42,800)	0
Closing Nonlapsing	(42,700)	0	0	0	0	0
Total	\$4,024,800	\$4,325,200	\$42,800	\$4,368,000	(\$31,800)	\$4,336,200
Programs						
Guardian ad Litem	4,024,800	4,325,200	42,800	4,368,000	(31,800)	4,336,200
Total	\$4,024,800	\$4,325,200	\$42,800	\$4,368,000	(\$31,800)	\$4,336,200
Categories of Expenditure						
Personal Services	3,669,000	3,920,600	68,000	3,988,600	(56,100)	3,932,500
In-State Travel	54,200	43,500	15,700	59,200	0	59,200
Out of State Travel	4,500	6,500	(3,600)	2,900	0	2,900
Current Expense	289,100	354,600	(57,300)	297,300	24,300	321,600
DP Current Expense	8,000	0	0	0	0	0
Capital Outlay	0	0	20,000	20,000	0	20,000
Total	\$4,024,800	\$4,325,200	\$42,800	\$4,368,000	(\$31,800)	\$4,336,200
Other Data						
Budgeted FTE	53.7	53.7	0.0	53.7	1.3	55.0
Vehicles	5	5	0	5	0	5

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.